

**REMARKS**

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 1-14 are pending in the present application, with claims 1, 3, 6, 8, 9, and 11 being independent. Claims 9-14 have been added by this amendment, which do not add any new subject matter.

***Drawings***

Attached hereto is a replacement drawing of Fig. 18, whereby the label "Conventional Art" was added.

It is respectfully requested that this replacement drawing be approved and made a part of the record of the above-identified application.

***Allowable Subject Matter***

Applicant notes with appreciation the Examiner's indication on page 4 of the Office Action that claims 3, 6, and 8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicant has rewritten claims 3, 6, and 8 into independent form. Accordingly, claims 3, 6, and 8 should now be considered allowed. Claims 1-2, 4-5, 7, and 9-14 should also be considered allowed at least for the reasons detailed below.

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### ***Claim Objections***

The Examiner objected to claim 7 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended claim 7 to clarify that the first signal processing unit simultaneously corrects characteristics between all of the sound wave output units and the head of the user and characteristics between all of the sound wave output units.

Accordingly, withdrawal of the objection to claim 7 is respectfully requested.

### ***Claim Rejections Under 35 U.S.C. §112***

The Examiner rejected claims 1-8 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Specifically, the Examiner states that it is unclear why the limitation "and the characteristics between the sound wave output units" is needed, and as such the claim language is indefinite.

Applicant respectfully submits that the claim language of claims 1 and 7 is definite. The first signal processing unit simultaneously corrects the signal based on: 1) characteristics between the sound wave output units and the head of the user; and 2) the characteristics between the sound wave output units.-

As such, it should now be clear that claims 1 and 7 are definite.

Accordingly, withdrawal of the rejection is respectfully requested.

***Claim Rejections Under 35 U.S.C. §102***

The Examiner rejected claims 1-2, 4-5, and 7 under 35 U.S.C. §102(e) as being anticipated by McGrath (US 6,259,795). This rejection is respectfully traversed insofar as it pertains to the presently pending claims.

Independent claim 1 is directed to a stereophonic sound field reproducing apparatus that reproduces a stereophonic sound field. A plurality of sound wave output units is arranged around each ear of a head of a user during operation thereof. Each of the sound wave output unit receives signals and outputs sound waves. A first signal processing unit processes signals that are supplied to the sound wave output units so as to simultaneously correct the signal based on the characteristics between the sound wave output units

and the head of the user and the characteristics between the sound wave output units.

*McGrath* is directed to audio processing in order to create an audio environment for multiple users that gives the user an illusion of sound located in space. As shown in Fig. 1 of *McGrath*, a user wears a pair of headphones 4, which has a receiver 9 attached thereto that works in conjunction with a transmitter 5 to determine a position of the headphones. *McGrath*, however, fails to teach or suggest at least that a plurality of sound wave output units are arranged around each ear of a head of a user, as recited in independent claim 1.

In fact, *McGrath* makes absolutely no mention as to how many speakers are arranged around each ear of a head of a user. *McGrath* merely notes in col. 13, lines 12-14 that the left and right channel outputs (shown in Fig. 14 as 229 and 230) are utilized to drive the requisite speakers. These requisite speakers, in view of the figures and description of *McGrath*, utilize only one speaker for each ear.

Dependent claims 1-2, 4-5, and 7, should be considered allowable at least for depending from an allowable base claim. Also, added claims 9-14 should be considered allowable at least because the cited prior art fails to teach or suggest the combination of elements including: a plurality of sound wave output

units arranged around each ear of a head of a user, as recited in claim 9; and a holder for positioning the plurality of sound wave output units about each ear of a user such that the plurality of sound wave output units are each positioned about each ear corresponding to a position of a plurality of sound input units, as recited in claim 11.

Accordingly, in view of the above discussion, Applicant respectfully requests that the Examiner withdraw the rejections and further the claims to issue.

#### ***Conclusion***

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin R. Geissler (Reg. No. 51,011) at the telephone number below, which is located in the Washington, DC area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for

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overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By 

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Attachment: Replacement Sheet of Fig. 18